

GANGEMI LAW FIRM, P.C.
82 WALL STREET
SUITE 300
NEW YORK, NEW YORK 10005
TELEPHONE: (212) 425-0630 FACSIMILE: (212) 425-1421
www.gangemilaw.com

SALVATORE G. GANGEMI
DIRECT DIAL EXTENSION: 12
EMAIL: sgangemi@gangemilaw.com

December 20, 2007

VIA ECF

Honorable Ronald L. Ellis, U.S.M.J.
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1970
New York, New York 10007

Re: Thompson v. Antonoff, et al.
U.S. District Court, S.D.N.Y. (07 Civ. 3008(PKC)(RLE))

Dear Magistrate Judge Ellis:

I represent the plaintiff in the above-referenced action, and as previously requested by the Court write to report on discovery concerning the jurisdictional issue before the Court.

This employment discrimination action alleges claims arising under Title VII of the Civil Rights Act of 1964, as amended, as well as supplemental claims arising under the laws of New York State and New York City. As the Court will recall, an issue in this case was whether the corporate defendant herein, Dynamic Air Conditioning, Inc., employed the requisite number of employees to be covered under Title VII. In fact, plaintiff's discovery in this action was limited to this issue. Defendants provided some documents in response to plaintiff's document requests, which appear to indicate that further discovery would not result in admissible evidence tending to show that defendant employed more than fifteen employees, as required to be a covered employer under Title VII.

Consequently, plaintiff shall send to defendants' counsel a stipulation discontinuing this action "without prejudice" and subsequently submit it to the Court for consideration. Plaintiff intends to re-file his New York State and/or New York City claims in state court.

I thank the Court for its attention to this matter.

Respectfully yours,


Salvatore G. Gangemi